

Person, Curtis
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3296*

House Bill No. 3450

By deleting §29-17-102 of the amendatory language of SECTION 1 in its entirety and substituting instead the following:

§ 29-17-102. As used in this part, unless the context otherwise requires:

(a) "Eminent domain" means the authority conferred upon the government, and those entities to whom the government delegates such authority, to condemn and take, in whole or in part, the private property of another so long as such property is taken for a legitimate public use in accordance with the Fifth and Fourth Amendments to the United States Constitution, Article 1, Section 21 of the Tennessee Constitution, and the provisions of this act;

(b) "Public use" shall not include either private use or benefit or the indirect public benefits resulting from private economic development and private commercial enterprise, including increased tax revenue and increased employment opportunity, except as follows:

(1) The acquisition of any interest in land necessary for a road, highway, bridge, or other structure, facility, or project used for public transportation;

(2) The acquisition of any interest in land necessary to the function of a public or private utility, a governmental or quasi-governmental utility, a common carrier, or any entity authorized to exercise the power of eminent domain under Title 65;

(3) The acquisition of property by a housing authority or community development agency to implement an urban renewal or redevelopment plan in a blighted area as authorized by Title 13, Chapter 20, Part 2;

(4) Private use that is merely incidental to a public use, so long as no land is condemned or taken primarily for the purpose of conveying or permitting such incidental private use; or

(5) The acquisition of property by a county, city, or town for an industrial park as authorized by Title 13, Chapter 16, Part 2.

FURTHER AMEND by designating the language of §29-17-1203 of the amendatory language of SECTION 4 as subsection (a) and by adding the following new subsection (b):

(b) Nothing in this section shall be construed to apply to or affect the disposal of the state's surplus interests in real property pursuant to §12-2-112.

FURTHER AMEND by deleting the effective date section in its entirety and substituting instead the following new sections:

SECTION 22. Tennessee Code Annotated, Section 13-20-201, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) "Blighted areas" are areas (including slum areas) with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, lack of ventilation, light and sanitary facilities, deleterious land use, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community. "Welfare of the community" does not include the need for increased tax revenues.

SECTION 23. This act shall take effect July 1, 2006, the public welfare requiring it.
FURTHER AMEND by deleting SECTIONS 7, 8 and 12 of the printed bill in their entirety and by renumbering accordingly.